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APR 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark H. PAUSCH et al.	:	CORRECTED
Application No. 09/786,056	:	DECISION ON PETITION
Filed: November 13, 2001	:	
Attorney Docket No. 01142.0101	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 08, 2007, to revive the above-identified application. The petition is proper for review under 37 CFR 1.181.

The petition is **GRANTED**.

On April 5, 2007 the examiner in charge of the instant application mailed a Notice of Abandonment indicating that the application is abandoned in view of "applicant's failure to timely file a proper reply to the Miscellaneous Office Letter mailed on August 18, 2006".

A review of the file indicates that this application was erroneously abandoned requiring that it be restored to pending status. The Letter dated August 18, 2006 is hereby, **VACATED**, having insufficient examination and notice of time for prosecution, see 35 USC 132 AND 35 USC 133, respectively.

The petition under 37 CFR 1.181 is granted. The abandonment is withdrawn and the application restored to pending status. The petition fee of \$1,500.00 will be credited to petitioner's deposit account.

Accordingly, the application file is being referred to Technology Center Art Unit 1647, for examination on the merits, consistent with the decision filed May 02, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602.

Thurman Page
Petitions Examiner
Office of Petitions